

### Remarks

The Office Action mailed October 19, 2004 has been received and the Examiner's comments carefully reviewed. Claim 1 has been amended for clarification purposes as supported by, for example, Figures 2A, 2B, and page 6, lines 4-27 of the present specification. No new matter has been added. Favorable reconsideration of this application is respectfully requested.

### *Claim Rejections - 35 USC § 102*

In the Office Action, claims 1-3 have been rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. U.S. Patent No. 5,581,531.

Claim 1 recites, among other things, an optical pickup that is provided in an information recording/reproducing device and performs both information recording and information reproduction on/from an information carrier, the optical pickup comprising a spot size adjuster that switches a size of a light spot so that a size of a light spot in a direction perpendicular to an information track is  $d_1$  in an information reproducing operation and the size of a light spot in the direction perpendicular to an information track is  $d_2$  in an information recording operation, wherein  $d_2 < d_1$  is satisfied.

Unlike the invention of claim 1, Ito et al. does not disclose or suggest an optical pickup that performs both information recording and information reproduction wherein the optical pickup comprises a spot size adjuster that switches a size of a light spot so that a size of a light spot in a direction perpendicular to an information track is  $d_1$  in an information reproducing operation and the size of a light spot in the direction perpendicular to an information track is  $d_2$  in an information recording operation, wherein  $d_2 < d_1$  is satisfied. The Ito disclosure relates to a technique for controlling a spot of light projected to a photoresist layer on a surface of a master disk during manufacturing of the master disk, in forming guide grooves and pre-pits on the master disk. Ito does not disclose or suggest the technical idea of switching a spot size between an operation of recording data on an information carrier and an operation of reproducing data from the information carrier. The device in Ito does not have an information reproducing function and, thus, does not control a light spot in both data recording and reproducing

operations. Therefore, Ito fails to teach or suggest all of the elements set forth in claim 1, and for at least this reason, claim 1 is believed to be patentable over Ito et al.

Claims 2 and 3 depend from and further limit claim 1, and, therefore, are believed to be patentable over Ito et al. for at least the same reason specified with respect to claim 1. Thus, the Examiner is respectfully requested to withdraw the rejection. Applicants are not conceding the correctness of the rejection for the features of claims 2 and 3.

***Claim Rejections - 35 USC § 103***

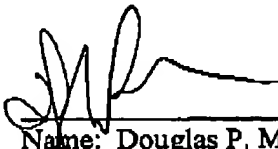
In the Office Action, claims 4-6, 10, and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. U.S. Patent No. 5,581,531 in view of Sumi et al. U.S. Patent No. 5,796,683.

Claims 4-6, 10, and 11 depend from and further limit claim 1. Sumi et al. does not remedy the deficiencies of Ito et al. discussed above with respect to claim 1. Thus, the Examiner is respectfully requested to withdraw the rejection. Applicants are not conceding the correctness of the rejection for the features of claims 4-6, 10, and 11.

Favorable reconsideration of claims 1-12 in the form of a Notice of Allowance is requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: January 18, 2005

  
Name: Douglas P. Mueller  
Reg. No.: 30,300  
DPM/AS/pll/jt